



NATIONAL CENTER FOR LESBIAN RIGHTS

December 17, 2010

Mr. John S. Pistole, Administrator
Office of the Administrator – TSA-1
Transportation Security Administration
601 South 12th Street
Arlington, VA 20598

Dear Administrator Pistole,

As the holiday travel season continues, we write to urge you to take immediate action to end the mistreatment of transgender travelers at our nation's airports. In a national survey, nearly one in five transgender travelers report having been harassed or disrespected by TSA agents or other airport workers. The undersigned organizations are deeply concerned by reports of serious mistreatment of transgender travelers at airports in the last few weeks. As we have previously expressed to your agency, we strongly encourage you to issue guidance and training to TSA agents to ensure that security checkpoints are managed in a manner consistent with safety and dignity for all travelers, including transgender people.

Like many Americans, we were deeply unsettled by TSA's recent decision to implement on a routine, national basis search techniques that are far more intrusive than anything previously seen in the United States. Like many other organizations, we are opposed to the routine use of so-called "enhanced" pat-downs and the current whole-body imaging technology as primary methods of airport screening. Routine use of these techniques poses serious privacy concerns for all travelers. The invasive and intimate nature of these search procedures also creates many more opportunities for transgender people in particular to experience mistreatment or harassment.

We commend the efforts of TSA, and in particular Special Counselor Kimberly Walton and the Office of Civil Rights and Liberties, to engage in a dialogue with us and other transgender advocates and to clarify and improve its policies, procedures and trainings to ensure respectful treatment of transgender travelers. This dialogue has already enabled us to provide more accurate and helpful information to transgender travelers, which we believe will ultimately result in fewer difficulties and inappropriate incidents at airports.

At present, however, our organizations continue to hear from transgender travelers about seriously troubling encounters at security checkpoints. Incidents in the last few weeks alone have included the following:

- A male transgender attorney was detained for two hours on his way to an out of town court hearing by TSA agents because his intimate anatomy, as indicated by a whole-

body image scan and a subsequent pat-down, did not conform to agents' expectations of what a man's body should look or feel like. While detained for two hours and interviewed by local police and a bomb appraisal unit, the man was subjected to humiliating personal questions and comments. The man missed his flight and was instructed that he might or might not be permitted to board any subsequent flight, and should carry a physician's letter regarding his transgender status whenever he flies. Fortunately, the man was able to board another flight and to return from his business trip without further incident.

- A transgender man traveling to an international conference was forced to undergo a humiliating ordeal at another airport that included being forced to remove chest-binding undergarments and pull down his underwear to show a prosthetic device to TSA officers. Though cleared for flight, he reported being understandably disturbed by the experience. When his flight was subsequently cancelled, the man was shuttled to a nearby airport where he was cleared through security without incident.

These men were not carrying any prohibited items on their persons or engaging in any inappropriate or suspicious behavior – they were simply going about their professional and personal business. Incidents like this should not be permitted to happen to any law-abiding passenger in an American airport. Transgender people in particular remain very apprehensive about air travel in light of new TSA procedures and stories of inappropriate conduct by TSA agents.

We urge TSA to take swift action to ensure that travelers are not subjected to harassment, abuse, or additional invasive screening based on their gender identity, gender expression, or physical attributes. Specifically, we urge TSA to take the following actions as quickly as possible:

- Immediately update TSA's Traveler Civil Rights Policy to expressly prohibit discrimination on the basis of gender identity;
- Ensure that TSA officers at all airports have received adequate training to deal respectfully and address privacy concerns adequately with special traveler groups, including transgender people;
- Include transgender people in training sessions;
- Develop educational materials, using pictures or demonstration devices, to explain to TSA officers various prosthetic devices and other atypical anatomies and the specific TSA procedure for screening travelers with these issues;
- Develop clear, uniformly-applied policies that reasonably limit the use and scope of "pat downs" for transgender travelers, and ensure that an individual's gender identity, gender expression or physical attributes will not, in and of themselves, be a basis for suspicion or additional, intrusive screening measures; and,

- Work with transgender community leaders to develop and post guidelines for transgender travelers on the TSA website outlining how screening procedures may apply to them, how to prepare for screening, and emphasizing TSA's commitment to maintaining a safe and dignified security process for all travelers.

We recognize the difficult job that TSA faces in protecting the nation's transportation systems and, most importantly, its travelers. We strongly believe that TSA can fulfill its security mission while respecting the rights and dignity of all passengers, and we look forward to continued dialogue and collaboration with your agency.

Sincerely,

Mara Keisling, Executive Director
National Center for Transgender Equality
1325 Massachusetts Avenue NW, Suite 700, Washington, DC 20005 ▪ 202.903.0112
mkeisling@transequality.org

Kate Kendall, Executive Director
National Center for Lesbian Rights
870 Market Street Suite 370, San Francisco CA 94102 ▪ 415.392.6257
kkendell@nclrights.org

Masen Davis, Executive Director
Transgender Law Center
870 Market Street Room 400, San Francisco, CA 94102 ▪ 415.865.0176
masen@transgenderlawcenter.org

cc: Secretary Janet Napolitano, Department of Homeland Security
Jennifer Carmichael, Director, Office of Civil Rights and Liberties, TSA
Stephanie Stoltzfus, Division Chief, External Compliance & Public Outreach Division, Office
of Civil Rights and Liberties, TSA
Kimberly Walton, Special Counselor, TSA